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## Egypt

### Court Upholds Closure of Women's Organization

*On May 7, 1992, an Egyptian administrative court decided to uphold last year's decree dissolving the Egyptian branch of the Arab Women's Solidarity Association (AWSA), a prominent women's rights organization. The court refused to grant an injunction that would have allowed AWSA to continue operating while it awaits the outcome an appeal on the merits of the government decree. After several delays, the three-judge State Council court rejected AWSA's request for an injunction, finding that the group had "violated the rule of law and public order and morality."*

*Led by renowned writer and women's rights advocate Dr. Nawal el-Saadawi, AWSA -- through both its international organization and Egyptian branch -- has focused on the social and economic advancement of women and women's participation in political life. The administrative closure order by the Egyptian authorities continued the pattern of official harassment that AWSA has faced since its formation in 1982.*

*The court ruled that AWSA's activities did not comply with "the general interests of the country" and "damaged relations between Egypt and some foreign and Arab-sister states." The court also found that AWSA's activities "threatened the peace and political and social order of the state by spreading ideas and beliefs offensive to the rule of Islamic sharia and the religion of Islam, a matter which forms a substantial violation of the law." In an interview with MEW last month, Dr. el-Saadawi described the ruling as "unjust," and promised continued legal appeals.*

*The government's move to dissolve AWSA generated an international campaign of protest from human rights organizations and women's rights groups. In addition, numerous members of the U.S. Congress expressed their concern about the dissolution order to Egyptian President Hosni Mubarak and U.S. Secretary of State James Baker.*

*The case has focused attention on Egypt's Law No. 32 of 1964, the Law of Associations and Private Foundations, which grants the Ministry of Social Affairs wide powers of control over private citizens' organizations. Egyptian lawyers and human rights advocates view the AWSA case as an example of how the government can utilize the law of associations to muzzle dissent in Egypt. Saad el-Din Ibrahim, a prominent Egyptian academic and human rights advocate, described the State Council Court's decision as a "warning that any non-governmental organization speaking out on public issues could be penalized by administrative decree."*

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### The Court's Ruling: Violations of Public Order and Morality

The Deputy Governor of Western Cairo signed the closure order against AWSA in an administrative decree dated June 15, 1991, which provided no specific reasons for the decision. He subsequently responded to questions about the order by claiming that he had acted because of AWSA's financial and administrative infractions, implicitly deflecting criticism of the government's move as politically motivated.<sup>1</sup>

In contrast, the May 7, 1992 ruling by the State Council's Administrative Judicial Court<sup>2</sup> used strong language to condemn AWSA for alleged violations of public morality. To support the closure decree, the court cited Article 57(4) of the law of associations, which allows the state to dissolve an association "if it had committed a flagrant violation of the law or violated public order or morality."

The court found that AWSA had "violated the rule of law and public order and morality by the practice of political and religious activities through its magazine and publication."<sup>3</sup> The magazine, *Noun*, and another publication, *The Solidarity of Arab Women*, "contained attacks against and aroused suspicions of the social and religious order, especially the conventions of marriage, divorce, and the (permitted) number of wives," the court found. Referring to these two publications, the court said: "The attacks on state policy constitute an offense against the fundamental rules of association."

The court further noted AWSA's sponsorship of a conference in September 1990 that criticized government policy on the Gulf crisis. The Women's Journalism Conference constituted "an attack on the policy of Egypt regarding the Gulf crisis, despite the immunity granted the official state position concerning the Iraqi occupation of Kuwait," the court wrote. The court also stated that AWSA had maintained two bank accounts, one for foreign use and the other for domestic use, and had unauthorized links to international organizations, in violation of the law of associations.<sup>4</sup>

AWSA's lawyers had asked the court to permit the organization to continue its activities until the court ruled on the merits of the dissolution decree, which also ordered the transfer of AWSA's assets to another women's group, Women of Islam. This welfare association, which provides housing and social services to female students from the provinces who study in Cairo, does not address women's rights issues. Only through further appeals can the Egyptian branch of AWSA recover its assets threatened with liquidation by the decree.<sup>5</sup>

The court's denial of the injunction in its May 7 ruling means that AWSA's branch in Egypt cannot operate at all, pending the outcome of a legal process that lawyers predict could drag on for several years. The law of associations prohibits a banned association from re-establishing under another name.<sup>6</sup>

#### AWSA: The Reasons for the Closure Are Political

The court's refusal to grant an injunction does not determine the outcome of AWSA's appeal of the dissolution decree on its merits. But AWSA officials expressed concern that the court's ruling revealed its attitude toward the organization. "We think the reasons (for AWSA's closure) are political. They are trying to say that it was administrative and that we have made mistakes, but they could have told us about these mistakes or investigated. They could have helped us to correct the mistakes if they had wanted the association, but they didn't want the association," Dr. el-Saadawi told MEW.<sup>7</sup>

AWSA officials believe that the government decided to clamp down on the organization because it questioned the Egyptian administration's policy during the Gulf crisis. AWSA's September 1990 conference attempted to arrive at alternatives to the then-impending Gulf war. Conference participants voiced opposition to the Iraqi invasion and to foreign intervention in the region, advocating an approach based on diplomacy and negotiation, rather than military force and war. One AWSA representative speculated that the court's reference to AWSA's damaging impact on Egyptian foreign relations was related to the association's criticism of countries such as the United States, Israel, Kuwait, and Saudi Arabia.

The law of associations does not directly proscribe the discussion of either politics or religion, but it does restrict organizations to fulfilling specific limited roles; therefore, any group that the government alleges has worked outside of its defined field can be accused of violating the law. AWSA, however, has operated under a wide-ranging mandate, broad enough to be read as encompassing issues related to religion and politics. In its 1985 title of registration (No. 3282), the Ministry of Social Affairs permitted AWSA to conduct religious and educational activities. Even the court recognized that the association "has been set up for work in the field of cultural, scholarly and religious services for women." In a defense memorandum, one of AWSA's lawyers pointed to its 1985 registration documents that describe its purpose as "to elevate the cultural and educational level of Egyptian women, to discuss the problems faced by

women, to raise the level of health in the family by raising the hygienic and social consciousness of women, to establish a cultural library, and to strengthen social and educational relations with Arab women."<sup>8</sup>

AWSA's lawyers further argued that the alleged offenses against the law of associations were activities carried out by the international division of AWSA, over which the Ministry of Social Affairs has no jurisdiction and to which the law of associations does not apply. AWSA's defense rests on the argument that the Ministry has confused the existence of the Arab Women's Solidarity Association, an international women's group with consultative status at the United Nations Economic and Social Council since 1985, with the Egyptian branch of AWSA.

Adil Amin, one of AWSA's attorneys, cited the ongoing correspondence between AWSA and the Ministry of Foreign Affairs' International Corporations Administration to demonstrate the Foreign Ministry's recognition of AWSA's separate international status and the distinction between AWSA's Egyptian branch and its international arm.<sup>9</sup> Amin argued that all the activities cited by the Ministry of Social Affairs and reaffirmed by the State Council court were conducted by AWSA's international organization. The defense memorandum also stated that the association had issued its magazine *Noun* solely for internal publication.<sup>10</sup>

AWSA officials and the organization's attorneys pointed out that Egypt's Ministry of Foreign Affairs had previously granted AWSA's international organization permission to convene international conferences in Cairo in 1986 and 1988. Ironically, after the dissolution order was issued on June 15, 1991, the Egyptian Ministry of Foreign Affairs -- on July 18, 1991 -- granted AWSA permission to convene yet another international conference in Cairo in November 1991, on the subject of Women, Democracy and Development in the Arab World. Notably, the Ministry's letter of permission revealed the state's power to control even minor details of an organization's activities, such as the title of an international conference. The Foreign Ministry stated that it did not object to the conference, but cautioned that "the word *democracy* should be removed from its title because it may lead to the discussion of internal affairs of countries, the subjects or the representatives of which will participate in the conference."

### **Doors of AWSA's Cairo Office Must Remain Shut**

The court's ruling last month means that the doors of AWSA's Egyptian branch must remain shut for the duration of the legal proceedings. Since the public disclosure of the administrative decree in July 1991 (the decree had been signed a month earlier), AWSA has been unable to use its office for meetings or seminars, to maintain its library, or to carry out its women's rights advocacy work in Egypt.

In a memorandum defending the closure order, the Ministry of Social Affairs argued against allowing AWSA to continue its activities until the conclusion of the legal process in which the court would rule on the merits of the case. The Ministry reasoned that the continued functioning of the organization was not an urgent matter or based on substantive need.<sup>11</sup> "There is nothing in the application of the contested decree that could not be reversed if the decree is nullified later, particularly if we bear in mind that the dissolved society did not satisfy any urgent need," the Ministry's memorandum said.

This argument appears to dismiss the importance of a women's-rights advocacy group in Egypt and the Arab world, where women face state-sponsored and state-tolerated discrimination. The U.S. State Department, in its 1991 country reports, noted discrimination against women throughout the Arab world: in Egypt ("aspects of the law and many traditional practices are discriminatory against women"); in Saudi Arabia ("women are subject to discrimination inherent in the Islamic legal system"); in Sudan ("laws continue to favor men, and women traditionally have segregated roles"); in Jordan ("women experience legal inequality in matters of inheritance and divorce"); and in Morocco ("women are not accorded equal treatment under Moroccan family and estate law"), among other states.<sup>12</sup>

### Efforts in Egypt to Reform the Law of Associations

One outcome of the struggles of AWSA and other citizen's organizations with the Ministry of Social Affairs has been the emergence of a movement in Egypt to press for legal reform of Law No. 32 of 1964.

The law of associations grants the Ministry of Social Affairs broad powers to monitor and control the activities of any legally registered group, as well as to license new organizations. Vague language in Article 12 of the law provides the authorities with the grounds to reject any group's application for legal status.<sup>13</sup> The law also provides the state with the power to interfere with private citizens' organizations by placing representatives directly on a group's board of directors,<sup>14</sup> removing association directors "for nationalist considerations,"<sup>15</sup> and appointing its own replacements as directors for a period up to three years.<sup>16</sup>

Most importantly, citizens' groups are forced to carry out their activities under a perpetual cloud because of the ever-present potential for being dissolved by administrative decree. The overly broad provisions of Law No. 32 can be used by the state to control the activities -- and the very existence -- of any private organization that strays from a strictly guided framework of permissible public discourse.

A coalition of Egyptian public-interest organizations has mounted an effort to challenge Law No. 32 of 1964, branding it inconsistent with the Egyptian Constitution and international human rights standards. The group, known as the Committee to Change the Law of Associations, is composed of the Egyptian Organization for Human Rights, the Arab Organization for Human Rights, the Cairo branch of Amnesty International, the Legal Research and Resource Center for Human Rights, and AWSA. At present, the committee has issued a draft for a new law and is currently lobbying for support of its reform proposals, attorney Amir Salem, director of the Legal Research and Resource Center for Human Rights, told MEW.

The coalition is attempting to reform a law that permits the state to dissolve any organization found to "violate public order or morality," or "whose purpose impairs the security of the Republic or the government's republican form or its social system."<sup>17</sup> Critics of Law No. 32 argue that such principles allow the government great breadth to curtail freedom of association and freedom of expression. "Violating the security of the Republic, what is the meaning of that?" one Egyptian lawyer asked MEW in a May telephone interview. "You can accuse anybody of violating the national principles."

Long-time civil rights advocate Saad el-Din Ibrahim, a professor of sociology at American University of Cairo, told MEW that the law of associations damages civil society in three ways. First, it sanctions administrative interference in the activities of non-governmental organizations. Second, it creates an elaborate bureaucracy designed to discourage free association. Last, he argued, corruption is inherent in a system where the government can impose its representatives on an association's board of directors.

Professor Ibrahim described the law as "generally restrictive" because it "gives the executive tremendous powers of interference...(which can be) used selectively with any non-governmental organization." He noted that organizations can avoid conflict with the Social Affairs' Ministry by connecting themselves to highly placed public figures. He added that to avoid the law's onerous restrictions, many non-governmental organizations have registered as profit-making entities.

Egypt's law of associations may face increased international scrutiny. "International donors operating in Egypt have become more aware of the restrictive aspects of this law," one well-placed Egyptian observer told MEW. He expressed optimism about reform should international donors put pressure on the government. Contrasting the impact of human rights organizations with that of international donors, he said: "When it comes to aid givers, the government will

listen."

AWSA is currently preparing a memorandum to appeal the May 7 court decision before the High State Council Court (*mahkama al-idariyya al-'ulia*). While AWSA officials and attorneys have been optimistic about the prospects of a court reversing the administrative decree, many observers cite Law No. 32 as an obstacle to genuine freedom of association in Egypt. As Professor Ibrahim told MEW: "This law has stood in the way of revitalizing civil society in Egypt."

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In Egypt, AWSA lawyers are drafting their next appeal, and the Committee to Change the Law of Associations is lobbying for reform. To express your concern about the Egyptian government's limitations on freedom of association, and the closure of the Arab Women's Solidarity Association, please send politely worded letters or telegrams to:

The Honorable Hosni Mubarak Secretary of State James Baker

President U.S. Department of State

The Arab Republic of Egypt 2201 C Street, N.W.

al-Etehatia Building Washington, D.C. 20520

Heliopolis, Cairo

Arab Republic of Egypt

Ambassador El-Sayed Abdel Raouf el-Reedy

Embassy of the Arab Republic of Egypt

2310 Decatur Place, N.W.

Washington, D.C. 20008

**NOTE:** If you write a letter of appeal on behalf of a women's rights organization, please send a copy to Dorothy Q. Thomas, Women's Rights Project, Human Rights Watch, 1522 K Street, N.W., Washington, D.C. 20005.

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**For additional information, contact: Virginia N. Sherry at (212) 972-8400.**

*This newsletter was written by George Lerner, a visiting researcher at Middle East Watch. It was edited by Virginia N. Sherry, associate director of MEW.*

*Middle East Watch was created in 1989 to monitor human rights practices in the Middle East and North Africa and to promote respect for internationally recognized standards. The chair of Middle East Watch is Gary Sick, the vice chairs are Lisa Anderson and Bruce Rabb, the executive director is Andrew Whitley, the research director is Eric Goldstein,*

*the associate director is Virginia N. Sherry, the senior researcher is Aziz Abu-Hamad, and the associate is Suzanne Howard.*

*The Women's Rights Project was founded in 1990 to monitor, in conjunction with Human Rights Watch's five regional divisions, violence against women and sex discrimination internationally. The director is Dorothy Q. Thomas.*

*Middle East Watch and the Women's Rights Project are components of Human Rights Watch, a non-governmental organization which is also composed of Africa Watch, Americas Watch, Asia Watch, the Fund for Free Expression and Helsinki Watch. The chair of Human Rights Watch is Robert L. Bernstein, the vice chair is Adrian W. DeWind, the executive director is Aryeh Neier, the deputy director is Kenneth Roth, the Washington director is Holly J. Burkhalter, and the press director is Susan Osnos.*

1 See Middle East Watch, "Egyptian Government Moves to Dissolve Prominent Arab Women's Organization," Vol. 3, No. 8, September 1991.

2 The State Council (*maglis al-dawla*) is an independent judicial body attached to the Ministry of Justice; it adjudicates administrative disputes through a three-level administrative court system. Article 57 of the law of associations allows for the appeal of a dissolution decree before the State Council's Administrative Judicial Court (*mahkamat al-qada' al-idari*).

3 From the court statement, May 7, 1992. MEW translation of the original Arabic.

4 Article 23 of the law stipulates: "Any society may not join, participate, and associate with a society or a body or a club the headquarters of which is outside the United Arab Republic (Egypt) before informing the competent administrative authority ...Any society may not receive funds from a foreign person or a foreign entity nor may it send any of what had been mentioned to persons or organizations on the outside, except with permission from the competent administrative authority." (Unofficial translation of the original Arabic.)

5 Article 58 of the law of associations stipulates that "members, officials, and employees of a society for which a decision has been reached concerning its dissolution shall be prohibited from continuing its activity or disposing of its funds."

6 Article 12 allows the Ministry of Social Affairs to refuse a license to an association if it was formed "for the purpose of reviving another society that previously was dissolved."

7 For three years, the Ministry of Social Affairs refused to grant AWSA's Egyptian branch a license to operate as an association. The organization was finally legally registered in 1985.

8 AWSA memorandum to the State Council's Administrative Judicial Court. MEW translation of the original Arabic.

9 The Egyptian branch of AWSA has seven board members, all Egyptian. AWSA's international arm, which has consultative status with UNESCO, has a fifteen-member board of directors: two members are from Egypt, four from Sudan, two from Jordan, and one each from Libya, Syria, Algeria, Morocco, Lebanon, Yemen and Kuwait. Following the June 1991 closure order, AWSA moved its international division and bank account to Algeria.

10 The defense memorandum asserted: "*Noun* magazine, or the internal paper bearing the same name, was issued by AWSA not [the Egyptian branch of AWSA]. It is published along similar lines to those followed by other international

organizations such as the Afro-Asian Solidarity Organization, Afro-Asian Writers' Union, Organization of African Unity, the Arab Organization for Human Rights and the Arab Lawyers Union." For additional information about *Noun*, see MEW, "Egyptian Government Moves to Dissolve Prominent Arab Women's Organization."

11 Ministry of Social Affairs memorandum to the State Council's Administrative Judicial Court. MEW translation of the original Arabic.

12 *Country Reports on Human Rights Practices for 1991*.

13 Article 12 permits the authorities to deny a group's request for legal registration "if the environment is not in need of its services, or if the existence of other societies fulfills the environment's need for the scope of the requested activity or if its establishment is inconsistent with the society's requirements, or because of the site's inadequacy in respect to health and social considerations...."

14 Article 48 stipulates in part: "The Ministry of Social Affairs may appoint a representative of the Ministry and a representative from each relevant administrative body as members of the board of directors, but their number must not exceed half the sum of the board's members."

15 Article 79 stipulates in part: "The competent administrative authority may remove the directors found negligent in its management or in not executing what the law had imposed on them or what the foundation was bound to do or those who use the foundation's funds in a way inconsistent with its purposes or the aim of its establishment or those who commit another flagrant mistake or for nationalist considerations. It may also appoint their replacements in its administration."

16 Article 28 of the law stipulates in part: "The Minister of Social Affairs has the right to appoint, by reasoned decision and for a specific term, a director or temporary board of directors for the society...if the society committed violations which require this measure."

17 Article 2 of Law No. 32.